

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAWN GIBSON-CRAWFORD,
as surviving spouse of Calvin Crawford,

Plaintiff,

Case No. 09-14308

v.

Hon. John Corbett O'Meara

COUNTY OF JACKSON, *et al.*,

Defendants.

ORDER

Before the court is Defendant Jackson County Sheriff's Department's motion for summary judgment. Plaintiff submitted a response, styled as a "motion for summary judgment." Defendant has not filed a reply. The court did not hear oral argument.

Plaintiff Dawn Gibson-Crawford filed her complaint in pro per, alleging that her husband Calvin Crawford hung himself while in the Jackson County Jail. Plaintiff alleges that guards did not provide immediate assistance, but "left him hanging in his cell." Defendant seeks summary judgment for several reasons, including that Plaintiff's authority as the personal representative of Calvin Crawford's estate has been terminated and that Plaintiff cannot bring an action on behalf of the estate in pro per.

Defendant is correct that Plaintiff cannot maintain this action, on behalf of Calvin Crawford's estate, without counsel. See Shenkman v. Bragman, 261 Mich. App. 412 (2004). Further, wrongful death actions must be brought by the personal representative of the decedent. Plaintiff's authority as personal representative of Calvin Crawford's estate was terminated on

March 3, 2011. Given the court's preference for hearing cases on the merits, the court will give Plaintiff **thirty days** from the date of this order to obtain counsel and to be re-appointed as the personal representative of Calvin Crawford's estate. If Plaintiff does not obtain counsel and is not re-appointed as personal representative in a timely manner, the court will dismiss this action. In the meantime, the court will deny Defendant's motion for summary judgment without prejudice.

SO ORDERED.

s/John Corbett O'Meara
United States District Judge

Date: May 11, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, May 12, 2012, using the ECF system, and upon Plaintiff at 507 Webb Street, Jackson, Michigan 49203; and 1426 Hillside Place, SE, Conyers, Georgia 30094 by first-class U.S. mail.

s/William Barkholz
Case Manager